

DRAFT

May 25, 2007 Draft

Title 23. Waters
Division 3. State Water Resources Control Board
and Regional Water Quality Control Boards
Chapter 26. Classification of Wastewater Treatment Plants
and Operator Certification

TABLE OF CONTENTS

- Article 1. General Provisions
- Article 2. Classification of Wastewater Treatment Plants,
Owner Reporting Requirements, and Exemption Criteria
- Article 3. Grades of Operator Certification
- Article 4. Operators-in-Training
- Article 5. Minimum Qualifications for Wastewater Treatment
Plant Operator Certification
- Article 6. Examination for Wastewater Treatment Plant Operators
- Article 7. Certification of Wastewater Treatment Plant Operators
- Article 8. Prohibited Acts, Disciplinary Action, and Appeal Process
- Article 9. Fees for Operators and Operators-in-Training
- Article 10. Advisory Committee
- Article 11. Wastewater Treatment Plant Contract Operators

DRAFT

Title 23. Waters
Division 3. State Water Resources Control Board
and Regional Water Quality Control Boards
Chapter 26. Classification of Wastewater Treatment Plants
and Operator Certification

Article 1. General Provisions

§ 3670. Purpose.

The primary purpose of the Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program is to protect public health and the environment by providing for the effective operation of wastewater treatment plants, including water recycling treatment plants, through the certification of wastewater treatment plant operators and the registration of contract operators.

Authority: Section 1058, Water Code.

Reference: Chapter 9 (commencing with Section 13625), Division 7, Water Code.

§ 3670.1. Certification Requirements for Operation of Wastewater Treatment Plants.

(a) Except as provided in subdivision (b) below, no person shall operate a wastewater treatment plant without a valid, Board issued certification as a wastewater treatment plant operator or operator-in-training at a grade appropriate for the class of plant being operated as set forth in Sections 3680 or 3680.1 as applicable.

(b) A person certified by the Department of Health Services as a water treatment plant operator may operate a water recycling treatment plant at a grade appropriate for the class of plant being operated as set forth in Sections 3680 or 3680.1 as applicable.

(1) For the purpose of administering this provision, a water treatment certificate is comparable to a wastewater treatment plant operator certificate as follows:

Water Treatment Operator Certificate	Wastewater Treatment Plant Operator Certificate
T1	Grade I
T2	Grade II
T3	Grade III

DRAFT

T4 Grade IV
T5 Grade V

(2) The Board may prohibit the use a certificate issued by the Department of Health Services if the water treatment plant operator has committed or commits any of the prohibited acts described in Sections 3709 or 3710.

Authority: Section 1058, Water Code.
Reference: Sections 13625 and 13627, Water Code.

§ 3671. Definitions.

The following definitions shall apply to this chapter:

“Activated sludge treatment” means a wastewater treatment process in which predominantly biodegradable pollutants in wastewater are adsorbed and/or absorbed by a suspended mass of living aerobic organisms called “activated sludge.” The suspended mass is subsequently separated from the treated wastewater by a sedimentation process either for further use in the process or for disposal.

“Appellant” means a person who appeals a decision made by the Office of Operator Certification or the Office of Enforcement regarding denial of an application, denial of an exemption, the results of an examination, or disciplinary action taken.

“Applicant” means a person who files an application for an examination, certification, renewal, or reinstatement as a wastewater treatment plant operator or operator-in-training, a person who files an application for contract operator registration, or an owner who files an application for an exemption or the renewal of an exemption.

“Associate’s degree” means a degree issued by a college or university accredited to award an associate’s degree by the Western Association of Schools and Colleges or another accrediting organization recognized by the California Postsecondary Education Commission, for the completion of a program of study which is equivalent to the first two years of a baccalaureate degree.

DRAFT

“Bachelor’s degree” means a baccalaureate degree issued by a college or university accredited to award a bachelor’s degree by the Western Association of Schools and Colleges or another accrediting organization recognized by the California Postsecondary Education Commission.

“Biological filtration treatment,” or *“biofiltration,”* means a wastewater treatment process in which predominantly biodegradable pollutants in wastewater are adsorbed ~~and/or~~ absorbed by masses of living aerobic organisms that are attached to stationary support media as the wastewater trickles over the media. Settleable material that may have sloughed from the media surfaces is subsequently separated from the treated wastewater by a sedimentation process for disposal.

“Board” means the State Water Resources Control Board.

“Certifying body” means another state, territory, or Indian tribe, or unit thereof that certifies wastewater treatment operators or registers contract operators. “Certifying body” includes entities designated by an Indian tribe to administer the tribe’s operator certification program.

“Chief plant operator” means the certified operator responsible for the operation of a wastewater treatment plant and the supervision of the work performed by all of the other operators at a wastewater treatment plant.

“Contract operator” means a person or entity who enters into a contract with an owner to operate one or more wastewater treatment plants.

“Conventional treatment pond” means a pond in which biological oxidation of organic matter occurs through the natural transfer of oxygen in the wastewater. A pond that uses surface aerators solely for purposes of odor control shall be considered a conventional treatment pond.

“Design flow” means that amount of flow for which the wastewater treatment plant was

DRAFT

designed.

“Designated operator-in-charge” means a certified operator who is designated by the chief plant operator pursuant to Section 3680 to be responsible for the operation of a wastewater treatment plant and the supervision of the work performed by all of the other operators at the wastewater treatment plant when the chief plant operator is unable to fulfill his or her responsibility. The designated operator-in-charge reports to the chief plant operator.

“Direct supervision” means being responsible for the training, oversight, and supervision of work performed by an operator-in-training by a certified operator of an appropriate grade, without an intervening person, to ensure the safe and proper execution of the duties of the operator-in-training.

“Disinfection” means the use of physical or chemical processes, including the removal of chlorine from effluent, to inactivate or destroy pathogens remaining in wastewater after primary, secondary, or tertiary treatment.

“Division” means the unit of the board in which the Office of Operator Certification is located.

“Full time” means working an average of 40 hours per week at a wastewater treatment plant fulfilling job duties that meet the definition of qualifying experience. Any paid vacation or sick leave taken that was earned as a result of hours spent fulfilling job duties that meet the definition of qualifying experience can be included in demonstrating that an operator or operator-in-training is working full time.

(1) An operator who is solely responsible for the operation of a plant is considered to be working full time, even if the work is performed in less than an average of 40 hours per week.

(2) An operator-in-training is also considered to be working full time, even if the work is performed in less than an average of 40 hours per week, if the operator-in-training is the only operator-in-training under the direct supervision of a certified operator who is solely responsible for the operation of the plant and is working less than an average of 40 hours per week.

DRAFT

“Indian tribe” means an Indian entity recognized by and eligible to receive services from the United States, included in the list of such entities periodically published by the Bureau of Indian Affairs in the Federal Register.

“Management course” means a college-level course, or a seminar approved by the Office of Operator Certification, in oral communication, technical writing, public administration, or supervision.

“Lone operator” means a certified operator who is approved by the Office of Operator Certification pursuant to Section 3681 to work alone at a wastewater treatment plant. An operator-in-training cannot act as a lone operator.

“Modified treatment pond” means a pond in which either the biological oxidation of organic matter is enhanced by the addition of aeration or the effluent receives disinfection before discharge.

“Office of Enforcement” means the unit of the Board that is-responsible for enforcement of the Operator Certification Program pursuant to Article 8 and Article 11.

“Office of Operator Certification” means the unit of the Board that administers the Wastewater Treatment Plant Classification and Operator Certification Program.

“Operates” means controlling one or more wastewater treatment processes or exercising responsibility for the control of one or more wastewater treatment processes which may affect the quality of the discharge of a wastewater treatment plant.

“Operator” means any person who operates a wastewater treatment plant.

“Operator-in-training” means a person who has been issued a certificate by the Board as an operator-in-training and who is gaining qualifying experience at a wastewater treatment plant under the direct supervision of a certified operator at the same or a higher grade.

DRAFT

“Owner” means any state agency, local agency, federal agency, private entity, or individual that owns a wastewater treatment plant.

“Person” means any person, firm, association, organization, partnership, business trust, corporation, limited liability company, or company.

“Petitioner” means a person who petitions the Board seeking review of a Final Division Decision issued by the Deputy Director of the Division.

“Preliminary treatment” means a wastewater treatment process to remove or reduce the size of solids that could damage equipment or reduce the effectiveness of other treatment processes.

“Primary treatment” means a wastewater treatment process that allows those substances in wastewater that readily settle or float to be separated from the water being treated.

“Qualifying experience” means experience gained by a Board certified operator or operator-in-training for the time spent performing duties as an operator or supervisor as defined in this section at a wastewater treatment plant. “Qualifying experience” may include performance of minor maintenance related to the servicing, adjustment, or regulation of equipment necessary to maintain reliable operation of treatment processes.

“Regional Board” means a California Regional Water Quality Control Board.

“Satellite plant” means a wastewater treatment plant that is physically separated from the main wastewater treatment plant, but that has the potential to affect the operation of or effluent quality from the main plant. To qualify as a satellite plant, both the main plant and the satellite plant must be owned and operated by the same entity and must be classified as one wastewater treatment plant.

“Science course” means a college-level course in mathematics, physics, engineering, chemistry, or biology.

DRAFT

“*Secondary treatment*” means treatment beyond primary treatment to remove colloidal and dissolved organic matter and further remove suspended matter, usually by biological processes such as activated sludge and biological filtration treatment.

“*Sequencing batch reactor*” means a variation of the activated sludge process in which aeration and sedimentation or clarification occur in a single tank in sequential stages. A programmable logic controller is used to monitor the time associated with the process stages to achieve specific treatment objectives.

“*Solids treatment*” means the use of biological digestion, chemical, or thermal treatment to stabilize solids removed from wastewater, and the use of physical processes to dewater solids removed from wastewater.

“*Supervisor*” means any person who has direct responsibility for the operation of a wastewater treatment plant or who supervises any operators of a wastewater treatment plant.

“*Tertiary treatment*” means treatment beyond secondary treatment, including, but not limited to filtration, coagulation, and nutrient removal. “Tertiary treatment” does not include disinfection.

“*Wastewater treatment course*” means a college-level course, or a seminar approved by the Office of Operator Certification, concerning the treatment or reclamation of sewage and industrial wastes.

“*Wastewater treatment plant*” means any of the following:

- (1) A facility owned by a state, local, or federal agency and used in the treatment or reclamation of sewage or industrial wastes;
- (2) A privately owned facility used in the treatment or reclamation of sewage or industrial wastes, and regulated by the Public Utilities Commission pursuant to Sections 216 and 230.6 of, and Chapter 4 (commencing with Section 701) of Part 1 of Division 1, of the Public Utilities Code; or

DRAFT

(3) A privately owned facility used primarily in the treatment or reclamation of sewage, and for which the Board or a Regional Board has issued waste discharge requirements or permits issued pursuant to the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

“Wastewater treatment plant” includes water recycling treatment plants. “Wastewater treatment plant” does not include onsite sewage treatment systems, as defined in Section 13290 of the Water Code.

“*Wastewater treatment process*” means any of the following processes which may affect the quality of the discharge of a wastewater treatment plant. Processes include the use of preliminary, primary, secondary, pond, or tertiary treatment to remove all solid matter from wastewater; the use of disinfection to inactivate or destroy pathogens in wastewater and the use of solids treatment to stabilize or dewater solids removed from wastewater.

“*Water recycling treatment plant*” means a wastewater treatment plant that receives and further treats secondary and/or tertiary effluent discharged from a wastewater treatment plant for the purpose of meeting the uniform standards statewide recycling criteria established by the Department of Health Services pursuant to Section 13521 of Chapter 7 of Division 7 of the Water Code for the use of recycled water. “Water recycling treatment plant” includes “water reclamation plants.”

“*Water treatment plant*” means a plant that uses any of the following processes to reduce or remove all contaminants that are present in water for the purpose of making water suitable to drink. These processes are sedimentation, coagulation, filtration, disinfection, conditioning, softening, fluoridation, removal of tastes and odors, corrosion control, algae control, and aeration.

Authority: Section 1058, Water Code.

Reference: Chapter 9 (commencing with Section 13625), Division 7, Water Code.

DRAFT

Article 2. Classification of Wastewater Treatment Plants, Owner Reporting Requirements, and Exemption Criteria

§ 3675. Classification of Wastewater Treatment Plants.

(a) Within 30 days of receiving all of the information that an owner is required to submit to the Office of Operator Certification pursuant to Sections 3676(a) or 3676.1(a), the Office of Operator Certification shall classify a wastewater treatment plant according to the following criteria:

Class	Treatment Process	Design Flow (in million gallons per day)
I	Primary.....	1.0 or less
	Conventional Treatment Pond.....	All
II	Primary.....	Greater than 1.0 through 5.0
	Biofiltration.....	1.0 or less
	Modified Treatment Pond	All
III	Primary.....	Greater than 5.0 through 20.0
	Biofiltration.....	Greater than 1.0 through 10.0
	Activated Sludge.....	5.0 or less
	Sequencing Batch Reactors.....	1.0 or less
	Tertiary.....	1.0 or less
IV	Primary.....	Greater than 20.0
	Biofiltration.....	Greater than 10.0 through 30.0
	Activated Sludge.....	Greater than 5.0 through 20.0
	Sequencing Batch Reactors.....	Greater than 1.0 through 10.0
	Tertiary.....	Greater than 1.0 through 10.0
V	Biofiltration.....	Greater than 30.0
	Activated Sludge.....	Greater than 20.0
	Sequencing Batch Reactors.....	Greater than 10.0
	Tertiary.....	Greater than 10.0

DRAFT

(b) A wastewater treatment plant may be classified in a class different than indicated in subdivision (a) if:

(1) the plant uses unconventional or innovative approaches to plant operation due to conditions of flow or unusual requirements for discharge to a receiving water;

(2) the conditions of flow or the use of the receiving waters require an unusually high degree of plant operational control; or

(3) the plant uses an approved method of wastewater treatment which is not included in subdivision (a).

(c) Satellite plants shall not be classified separately. The satellite plant and the main wastewater treatment plant shall be classified as a single entity.

(d) Within 30 days of receiving written notice of any change in reportable items in Sections 3676(a) or 3676.1(a), the Office of Operator Certification shall either reclassify the wastewater treatment plant or make a determination that the change does not result in a need to reclassify the wastewater treatment plant.

Authority: Sections 1058 and 13626, Water Code.
Reference: Section 13636, Water Code.

§ 3676. Reporting Requirements for Owners of Wastewater Treatment Plants.

(a) Within 30 days after a wastewater treatment plant begins operating, the owner shall submit to the ~~division~~ Office of Operator Certification a description of the plant's treatment processes and design flow, an employee organization chart, and job descriptions and duty rosters for plant personnel.

(1) The owner must submit verification from the person designated as the chief plant operator that he or she has accepted this responsibility and has verified the accuracy of the employee organization chart and job descriptions and duty rosters for plant

DRAFT

personnel.

(b) An owner shall notify the Office of Operator Certification in writing within 30 days of any change in the reportable items in subdivision (a) above that may affect the classification of the wastewater treatment plant.

(c) An owner shall notify the Office of Operator Certification in writing within 30 days if the person designated as the chief plant operator of the wastewater treatment plant changes and provide verification by the new chief plant operator that he or she has accepted this responsibility.

(d) If the owner has previously provided the Office of Operator Certification with the name of the chief plant operator pursuant to subdivision (a), then within 60 days from the effective date of this subdivision, the owner must submit verification from the person previously designated as the chief plant operator that he or she has accepted this responsibility.

(e) An owner shall notify the Office of Operator Certification in writing within 30 days of hiring or dismissing a contract operator employed to operate a wastewater treatment plant or wastewater treatment process.

(f) An owner shall notify the Office of Operator Certification in writing within 30 days of any final disciplinary action where an owner reprimands or places on probation an operator or operator-in-training, or suspends, demotes, or discharges an operator or operator-in-training for performing, or allowing or causing another to perform, any act listed in Section 3710, subdivisions (a) or (b). The notice shall include the name of the operator or operator-in-training, the specific violations, and the disciplinary action taken.

(1) A report regarding final disciplinary action received from an owner shall be retained in Board files for a period of three years unless the Board takes disciplinary action in response to the conduct which is the basis for the report, in which case the report shall remain in Board files for 10 years.

DRAFT

Authority: Sections 1058 and 13626, Water Code.

Reference: Sections 13626, 13627, and 13627.3, Water Code.

§ 3676.1. Reporting Requirements for Owners of Privately Owned Wastewater Treatment Plants.

This section shall be applicable only to the owners of privately owned wastewater treatment plants for which the Board or a Regional Board has issued waste discharge requirements or for which permits have been issued pursuant to the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

(a) The owner of a privately owned wastewater treatment plant for which the Board or a Regional Board has issued waste discharge requirements shall submit a description of the plant's treatment processes and design flow, an employee organization chart, and job descriptions and duty rosters for plant personnel to the Office of Operator Certification within 60 days from the effective date of this section or within 30 days after the wastewater treatment plant begins operating in accordance with Section 3676(a) (whichever date is later).

(1) The owner must submit verification from the person designated as the chief plant operator that he or she has accepted this responsibility and has verified the accuracy of the employee organization chart and job descriptions and duty rosters for plant personnel.

Authority: Sections 1058 and 13627, Water Code.

Reference: Sections 13626 and 13627, Water Code.

§ 3677 Exemption of Class I Plants.

An owner of a wastewater treatment plant that is classified as a Class I plant may apply to the Office of Operator Certification for an exemption from the requirements of this chapter and Water Code, Division 7, Chapter 9, if the plant could not, due to operator error, violate water quality objectives.

Authority: Section 1058, Water Code.

Reference: Section 13625.1, Water Code.

DRAFT

§ 3677.1. Application for Exemption.

(a) An application for exemption shall contain sufficient information to demonstrate that the wastewater treatment plant meets the criteria described in Section 3677, and shall include:

- (1) the name, mailing address, and telephone number of the owner of the wastewater treatment plant;
- (2) the name, street address, and telephone number of the wastewater treatment plant;
- (3) an employee organization chart;
- (4) the original signature of the owner of the wastewater treatment plant or the owner's authorized representative;
- (5) a copy of the current waste discharge requirements issued by the Board or Regional Board;
- (6) a description of the design flows and present flows, a description of the liquid flow and solid handling processes, and a flow diagram of the wastewater treatment plant showing all wastewater treatment processes;
- (7) an evaluation of the operations of the wastewater treatment plant signed and stamped by a California registered professional engineer. The engineer shall describe and evaluate the potential effects of operator error on the operation of the plant and determine whether operator error could cause the wastewater treatment plant to violate water quality objectives; and
- (8) additional information, evidence, statements, or documents to support the application for exemption as requested by the Office of Operator Certification.

(b) A non-refundable application fee of \$200 shall accompany each application for exemption.

DRAFT

(c) The applicant for exemption shall provide a copy of the application for exemption to the Regional Board.

Authority: Section 1058, Water Code.
Reference: Section 13625.1, Water Code.

§ 3677.2. Exemption of Wastewater Treatment Plants.

(a) Within 60 days of receipt of a complete application for exemption, the Office of Operator Certification shall approve or deny the request for exemption.

(b) The Office of Operator Certification shall consult with the Regional Board and may conduct an inspection of the wastewater treatment plant before approving or denying a request for exemption.

(c) A wastewater treatment plant shall only be granted an exemption if the Office of Operator Certification determines that the plant could not, due to operator error, violate water quality objectives. An exemption granted by the Office of Operator Certification is valid for four years. During the term of exemption, the owner of the wastewater treatment plant shall notify the Office of Operator Certification in writing within 30 days of any change in the information provided in the application for exemption.

(d) The Office of Operator Certification may revoke or place a condition on an exemption at any time.

(e) At least 30 days before enacting any changes to the operation of the plant, the owner of an exempt wastewater treatment plant must notify the Office of Operator Certification in writing of the proposed changes. A copy of the written notification must be sent to the Regional Board.

(1) The Office of Operator Certification has 30 days to evaluate the proposed changes. If upon evaluation of the proposed changes, the Office of Operator Certification determines that if the proposed changes are implemented then the plant could, due to

DRAFT

operator error, violate water quality objectives, then the Office of Operator Certification shall revoke the exemption.

(2) Notwithstanding subdivision (f), if an exemption is revoked pursuant to this subdivision, then the owner of the wastewater treatment plant may not enact the proposed changes until the owner has staffed the plant with certified operators of an appropriate grade as set forth in Sections 3680 or 3680.1 as applicable.

(f) If an application for exemption is denied or the Office of Operator Certification revokes an exemption, the owner of the wastewater treatment plant has 90 days to staff the plant with certified operators of an appropriate grade as set forth in Sections 3680 or 3680.1 as applicable.

Authority: Section 1058, Water Code.
Reference: Section 13625.1, Water Code.

§ 3677.3. Certificate of Exemption.

Upon approval of an application for exemption, the Office of Operator Certification shall issue a certificate of exemption, which shall be posted in an area accessible to the public at the wastewater treatment plant. If no area is accessible to the public, the certificate of exemption shall be posted at the owner's headquarters. The certificate of exemption shall include:

- (a) the name of the wastewater treatment plant;
- (b) the name and business address of the owner;
- (c) the issue and expiration dates of the exemption;
- (d) the exemption number assigned by the Board;
- (e) the Board seal;
- (f) the name "State Water Resources Control Board;" and

DRAFT

(g) the signature of a Board member or designee.

Authority: Section 1058, Water Code.

Reference: Section 13625.1, Water Code.

§ 3677.4. Notice of the Expiration of an Exemption.

At least 60 days before the expiration of an exemption, the Office of Operator Certification shall provide written notification of the expiration date to the owner of the wastewater treatment plant at the owner's address of record. Failure to receive a notice of exemption expiration does not relieve the owner of the responsibility of renewing an exemption on or before the expiration date.

Authority: Section 1058, Water Code.

Reference: Section 13625.1, Water Code.

§ 3677.5. Application for Exemption Renewal.

(a) An application for exemption renewal shall include the same information and fee required for an application for exemption pursuant to Section 3677.1.

(b) The renewal application shall be received no later than 30 days before the expiration of the exemption.

(c) Within 30 days of the receipt of a complete exemption renewal application, the Office of Operator Certification shall renew the exemption and reissue a certificate of exemption or inform the applicant of the reason the exemption shall not be renewed.

(d) If an application for renewal of an exemption is denied, the owner of the wastewater treatment plant has 90 days to staff the plant with certified operators of an appropriate grade as set forth in Sections 3680 or 3680.1 as applicable.

Authority: Section 1058, Water Code.

Reference: Section 13625.1, Water Code.

DRAFT

Article 3. Grades of Operator Certification

§3680. Grades of Operator Certification.

(a) Each chief plant operator and designated operator-in-charge shall possess a valid operator certificate at a grade level at least equivalent to the following:

Plant Classification	Grade of Chief Plant Operator	Grade of Designated Operator-in-Charge
I	I	I
II	II	I
III	III	II
IV	IV	III
V	V	III

(b) A chief plant operator shall designate a certified operator as the designated operator-in-charge for any period of time during which the chief plant operator is unable to fulfill his or her responsibility as a chief plant operator.

(c) Operators shall possess at least a valid Grade I certificate or a valid operator-in-training certificate. For Class IV and V plants, 50 percent of the operators shall possess at least valid Grade II certificates or valid operator-in-training certificates at the Grade II level or higher.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

§ 3680.1. Grades of Operators at Privately Owned Wastewater Treatment Plants.

This section shall be applicable only to privately owned wastewater treatment plants for which the Board or a Regional Board has issued waste discharge requirements or for which permits have been issued pursuant to the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

(a) No later than 18 months from the effective date of this section, all operators at a privately owned wastewater treatment plant shall possess at least a Grade I certification.

DRAFT

(1) After that date, any person who operates a wastewater treatment plant without holding a valid, unexpired Grade I certificate or a certificate of a higher grade is subject to administrative sanctions in Sections 3709 and 3710 and the criminal and civil liability in Water Code Section 13627.1(a).

(2) Any person or entity that owns or operates a wastewater treatment plant that employs, or allows the employment of, any person as a wastewater treatment plant operator who does not hold a valid, unexpired Grade I certificate or a certificate of a higher grade is subject to administrative sanctions in Sections 3709 and 3710 and the criminal and civil liability in Water Code Section 13627.1(a).

(b) In addition to the subdivision (a), the owner of a privately owned wastewater treatment plant must staff the plant with operators of an appropriate grade as prescribed in Section 3680 according to the following schedule:

Class	Compliance Date
II	24 months from effective date of this section
III	36 months from effective date of this section
IV	48 months from effective date of this section
V	60 months from effective date of this section

(1) Any wastewater treatment plant owner employing, or allows, the employment of, any person as a wastewater treatment plant operator who does not hold a valid, unexpired certificate of the appropriate grade as required by this chapter is subject to administrative sanctions in Sections 3709 and 3710 and the criminal and civil liability in Water Code Section 13627.1(a).

(c) A certified operator or operator-in-training working at a privately owned wastewater treatment plant must comply with all regulations in this chapter regardless of whether the plant is prohibited pursuant to subdivision (a) from employing an operator that is not certified.

Authority: Sections 1058, 13626, 13627, and 13627.1, Water Code.
Reference: Section 13627.1, Water Code.

DRAFT

§ 3681. Lone Operator.

(a) No person shall work as a lone operator unless written approval has been granted by the Office of Operator Certification. The chief plant operator of a wastewater treatment plant shall submit a written plan that includes:

(1) the duties proposed for a lone operator;

(2) a work schedule showing when the operator will be working alone; and

(3) the procedure that the lone operator must use to contact a chief plant operator or designated operator-in-charge when the lone operator needs direction.

(b) Written approval shall be given by the Office of Operator Certification if the operator:

(1) is certified at no more than one grade level lower than that required for a designated operator-in-charge in Section 3680(a);

(2) is required to perform only basic duties that require minimal judgment; and

(3) has the ability to contact a chief plant operator or designated operator-in-charge at all times.

(c) At least 30 days before enacting any amendments to the written plan, the chief plant operator must notify the Office of Operator Certification in writing of the proposed changes.

(1) The Office of Operator Certification has 30 days to evaluate the proposed changes. If upon evaluation of the proposed amendments to the written plan, the Office of Operator Certification determines that the proposed amended plan does not meet the requirements for a lone operator as prescribed by subdivision (b), then the Office of Operator Certification shall revoke its written approval.

(d) The Office of Operator Certification may revoke written approval if it determines that the plan has been violated.

DRAFT

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

Article 4. Operators-in-Training

§ 3682. Employment of an Operator-in-Training.

An owner may employ an operator-in-training of any grade, provided that the operator-in-training is under the direct supervision of a certified operator at the same or a higher grade and is performing the duties of the grade of operator for which the certificate was issued. Operators-in-training may not supervise other operators-in-training or certified operators, and may not act in the capacity of a chief plant operator, designated operator-in-charge, or lone operator.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3682.1. Application for Operator-in-Training Certification.

(a) A person may apply for an operator-in-training certification in accordance with the procedures set forth in Article 7. Applications must include the name and contact information of the supervising operator and be signed by the chief plant operator of the plant where the operator-in-training is to be employed.

(b) Applicants for Grade I operator-in-training certification may, but are not required to, pass the Grade I examination before being issued a Grade I operator-in-training certificate.

(c) Persons may apply for operator-in-training certification at the Grades II through V levels if they meet the minimum education requirements and pass the examination for the grade for which they are applying.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3682.2. Issuance of Operator-in-Training Certificates.

(a) Operator-in-training certificates shall be issued to the chief plant operator in the name of

DRAFT

the applicant to the mailing address of the wastewater treatment plant at which the operator-in-training is to be employed.

(b) Operator-in-training certificates issued by the Office of Operator Certification shall include:

(1) the name and grade of the operator-in-training;

(2) the issue and expiration dates of the certificate;

(3) the name of the wastewater treatment plant at which the operator-in-training is to be employed;

(4) the Board seal;

(5) the name, "State Water Resources Control Board;" and

(6) the signature of a Board member or designee.

(c) Operator-in-training certificates shall be valid for up to 24 months. Certificates issued for applications received between April 1 and September 30 shall have an expiration date of December 31. Certificates issued for applications received between October 1 and March 31 shall have an expiration date of June 30.

(d) Notwithstanding subdivision (c), the expiration date of Grade II through V operator-in-training certificates shall not exceed the expiration date of the applicant's examination results.

Authority: Sections 1058 and 13627, Water Code.

Reference: Sections 13627 and 13628, Water Code.

§ 3682.3. Renewal of Operator-in-Training Certificates.

(a) Except as provided in subdivision (d) below, Grade I operator-in-training certificates may be renewed once for two years in accordance with Section 3702.2, provided the operator-in-training has passed the Grade I examination or an examination for a higher grade before the

DRAFT

expiration of the original certificate.

(b) Grade II through V operator-in-training certificates may be renewed once for two years in accordance with Section 3702.2 provided the operator-in-training has valid examination results.

(c) Except as provided in subdivision (d), Grade I through V operator-in-training certificates may be repeatedly renewed for additional two year periods in accordance with Section 3702.2, provided the operator-in-training has valid examination results and the chief plant operator submits a plan for the operator-in-training to acquire the amount of qualifying experience to meet the minimum qualifications for certification at the appropriate grade under Section 3683. The plan shall contain the following information:

(1) the chief plant operator's original signature, verifying the applicant's qualifying experience gained to date at that wastewater treatment plant;

(2) information regarding any qualifying experience that the applicant may have gained at any other wastewater treatment plant;

(3) the applicant's original signature;

(4) a statement describing the applicant's job description;

(5) the average number of hours per week that the applicant will be working at the wastewater treatment plant, acquiring qualifying experience;

(6) the amount of time that it will take before the applicant will acquire the amount of qualifying experience required to meet the minimum qualifications for certification at the appropriate Grade under Section 3683; and

(7) additional information, evidence, statements, or documents to support the application for renewal as requested by the Office of Operator Certification.

DRAFT

(d) The expiration date of a renewed operator-in-training certificate shall not exceed the expiration of the applicant's examination results.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3682.4. Invalidation and Issuance of New Operator-in-Training Certificates.

(a) Operator-in-training certificates are valid only while the operator-in-training is employed at the plant for which the certificate was issued. If the operator-in-training is no longer employed at the plant for which the certificate is issued, the operator-in-training certificate is no longer valid and the chief plant operator must return the operator-in-training certificate to the Office of Operator Certification within 30 days.

(b) If an operator-in-training certificate is returned to the Office of Operator Certification because the operator-in-training is no longer employed at the plant for which the certificate is issued or if an operator-in-training certificate is not renewed for any reason, the operator-in-training may apply for a new operator-in-training certificate at any time in accordance with Sections 3682.2 and 3682.3. Time and experience accrued under the previous operator-in-training certificate shall be credited to the newly issued operator-in-training certificate.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

Article 5. Minimum Qualifications for Wastewater Treatment Plant Operator Certification

§ 3683. Education and Experience Requirements.

(a) The Office of Operator Certification shall not issue a certificate unless the applicant has met one of the education and experience paths prescribed in this section and has passed the required examination.

(b) Eligibility for certification shall be based on the qualifications in Table 1 below for each grade of wastewater treatment plant operator. Qualifying experience credit shall be credited

DRAFT

pursuant to the provisions of Section 3684. Educational points shall be credited pursuant to the provisions of Section 3685.

Table 1

<u>PATH</u>	<u>EDUCATIONAL POINTS</u>		<u>EXPERIENCE</u>
<u>GRADE I</u>			
<u>1</u>	<u>High school diploma or equivalent</u>	<u>and</u>	<u>1 year of full time qualifying experience</u>
<u>GRADE II</u>			
<u>1</u>	<u>High school diploma or equivalent</u>	<u>and</u>	<u>18 months of full time qualifying experience as a Grade I operator</u>
<u>2</u>	<u>High school diploma or equivalent and 6 educational points</u>	<u>and</u>	<u>2 years of full time qualifying experience</u>
<u>GRADE III</u>			
<u>1</u>	<u>High school diploma or equivalent</u>	<u>and</u>	<u>3 years of full time qualifying experience as a Grade II operator</u>
<u>2</u>	<u>High school diploma or equivalent and 16 educational points</u>	<u>and</u>	<u>4 years of full time qualifying experience</u>
<u>3</u>	<u>Associate's degree, or 60 college semester units, including a minimum of 15 semester units of science courses</u>	<u>and</u>	<u>2 years of full time qualifying experience</u>
<u>GRADE IV</u>			

DRAFT

<u>1</u>	<u>High school diploma or equivalent and 32 educational points</u>	<u>and</u>	<u>6 years of full time qualifying experience</u>
<u>2</u>	<u>Associate's degree, or 60 college semester units, including a minimum of 15 semester units of science courses</u>	<u>and</u>	<u>4 years of full time qualifying experience</u>
<u>3</u>	<u>Bachelor's degree, or a higher degree, including a minimum of 30 semester units of science courses</u>	<u>and</u>	<u>3 years of full time qualifying experience</u>
<u>GRADE V</u>			
<u>1</u>	<u>High school diploma or equivalent and 48 educational points</u>	<u>and</u>	<u>10 years full time qualifying experience</u>
<u>2</u>	<u>Associate's degree, or 60 college semester units, including a minimum of 15 semester units of science courses</u>	<u>and</u>	<u>6 years of full time qualifying experience</u>
<u>3</u>	<u>Bachelor's degree, or a higher degree, including a minimum of 30 semester units of science courses</u>	<u>and</u>	<u>5 years of full time qualifying experience</u>
<u>4</u>	<u>Valid registration as a civil or chemical engineer issued by the California Board of Registration for Professional Engineers and Land Surveyors or by another state or territory</u>	<u>and</u>	<u>4 years of full time qualifying experience</u>

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

§ 3684. Qualifying Experience Credits.

(a) Qualifying experience is earned in accordance with the definition of qualifying experience in Section 3671. Operators may also earn qualifying experience credit in accordance with

DRAFT

this section. Qualifying experience and qualifying experience credit is cumulative.

(b) Operators who do not work full time, or whose job duties include activities that do not meet the definition of qualifying experience, may receive credit for full time qualifying experience at the operator's grade level by working the same number of hours at a wastewater treatment plant performing duties that meet the definition of qualifying experience as an operator who is working full time.

(c) An operator who has at least one year of full time qualifying experience in the operation of a wastewater treatment plant may receive qualifying experience credits as follows:

(1) An operator may receive a one time credit for one year of full time qualifying experience if the operator has two or more years of full time experience, or the equivalent number of hours, in the operation of a water treatment plant regulated by the California Department of Health Services, another state, territory, or Indian tribe, while in possession of a valid water treatment plant operator certificate, if the operator has two or more years of full time experience using two or more of the following processes: coagulation, sedimentation, aeration, filtration, oxidation, and disinfection.

(2) An operator may receive a one time credit for one year of full time qualifying experience if the operator has two or more years of full time experience, or the equivalent number of hours, in one or more of the following:

(i) performing activities necessary to start up a wastewater treatment plant, including performing operation and maintenance, conducting safety and laboratory training, setting up, supervising, and evaluating the testing of equipment and plant performance, optimizing wastewater treatment processes, and developing maintenance and records management procedures;

(ii) preparing maintenance manuals for a wastewater treatment plant;

(iii) performing the duties of a laboratory technician at a wastewater treatment

DRAFT

plant; and

(iv) controlling or monitoring physical, chemical, and biological processes that require the same skills as an operator.

(3) An operator may make an irrevocable election to substitute 16 educational points for one year of full time qualifying experience.

(d) Unless otherwise specified by this chapter, the Office of Operator Certification shall give qualifying experience credit for experience based on duties performed while employed in a position comparable to an operator's position at a wastewater treatment plant if, during the time of employment, the applicant held a valid, unexpired operator's certificate of the appropriate grade issued by the applicable certifying body. Evaluation by the Office of Operator Certification shall be based on the actual work performed by the applicant without respect to job titles.

(e) Upon passing a written examination, each uncertified operator at a privately owned wastewater treatment plant applying for certification in accordance with Section 3680.1 shall be credited with a minimum of one year of full time qualifying experience. Applicants may be credited with additional qualifying experience if the applicant provides documentation of more than one year of performance of operator duties at a privately owned wastewater treatment plant for which the Board or a Regional Board has issued waste discharge requirements and the owner of the plant verifies the experience.

Authority: Sections 1058, 13627, and 13627.5, Water Code.
Reference: Sections 13627 and 13627.5, Water Code.

§ 3685. Educational Points.

(a) Pursuant to the provisions of this article, applicants may be required to obtain educational points to qualify for certification. Operators may receive educational points for completing a wastewater treatment or science course. Educational points for a wastewater treatment or science course may be earned as follows:

DRAFT

(1) One completed three-unit semester course which is part of the curriculum of an accredited college or university is equal to eight educational points. Completed courses that result in more or less than three units or that are quarter units rather than semester units shall be credited with educational points on a proportional basis.

(2) One Continuing Education Unit is equal to one educational point.

(3) All other wastewater treatment or science courses shall be assigned one educational point per 10 hours of completed classroom instruction.

(b) At Grades III, IV, and V, operators may earn up to four educational points for each type of management course. Educational points for a management course may be earned as follows:

(1) One completed three-unit semester course which is part of the curriculum of an accredited college or university is equal to four educational points. Completed courses that result in more or less than three units or that are quarter units rather than semester units shall be credited with educational points on a proportional basis.

(2) Two Continuing Education Units are equal to one educational point.

(3) All other management courses shall be assigned one educational point per 20 hours of completed classroom instruction.

(c) Applicants may not substitute experience for educational points.

Authority: Sections 1058 and 13627, Water Code.

Reference: Sections 13627 and 13629, Water Code.

§ 3686. High School Equivalent.

Passing an approved General Educational Development test, or by obtaining a Certificate of Proficiency issued by the Board of Education in accordance with Section 48412 of the Education Code, is equivalent to obtaining a high school diploma.

DRAFT

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

Article 6. Examination for Wastewater Treatment Plant Operators

§ 3689. Examination Waiver.

(a) The Office of Operator Certification shall waive the examination requirement and the examination fee for an applicant for a Grade I through IV operator certification, if the applicant holds an operator's certificate issued by a certifying body, provided:

(1) the experience, education, and examination requirements of that certifying body are comparable to the Office of Operator Certification's requirements as prescribed in Article 5;

(2) the applicant meets the minimum education and experience qualifications for the applicable grade of operator certification as prescribed in Article 5;

(3) the applicant passed a written examination administered by the certifying body that is comparable to the examination given by the Office of Operator Certification for the applicable grade of operator certification; and

(4) the applicant completes an application for operator certification and pays the certification and examination waiver fees prescribed in Article 9.

(b) The Office of Operator Certification may refuse to waive the examination requirement if it has determined that the applicant's operator's certificate has been revoked or suspended by a certifying body, or if the applicant has been otherwise disciplined or is under investigation by a certifying body for any act that is comparable to a violation set forth in Section 3710, subdivisions (a) or (b) or Section 3719.10(a).

(c) An applicant for certification who has been issued an examination waiver shall receive experience credit in accordance with Section 3684(d).

(d) An applicant may submit an application to take the next scheduled Grade V examination at the same time as applying for a Grade IV examination waiver and a Grade IV operator

DRAFT

certificate.

Authority: Section 1058, Water Code.

Reference: Sections 13627 and 13628, Water Code.

§ 3700. Application for Examination.

(a) Any person may apply to take an examination if before the final filing date for the examination the applicant has obtained the minimum amount of education required in Section 3683 for that grade level. An application for an examination shall include:

(1) the applicant's full name, mailing address, and telephone number;

(2) the applicant's current operator certificate grade level;

(3) if the applicant is currently employed as a wastewater treatment plant operator, the applicant must provide the name and address of the wastewater treatment plant at which the applicant is employed;

(4) the applicant's original signature;

(5) copies of a high school diploma or equivalent, college transcripts, graduate school transcripts, grade cards, or certificates of completion for wastewater treatment and management courses, and any engineering registrations issued by California or another state or territory to verify completion of education requirements;

(6) any additional information, evidence, statements, or documents to support the application for examination as requested by the Office of Operator Certification; and,

(7) the examination application fee and examination fee as prescribed by Article 89.

(b) Applications for examination shall be received by the final filing date as specified in this subdivision. Applications that are not received by the final filing date shall not be processed for the current examination. Applications received after the final filing date may be held over

DRAFT

and processed for the next scheduled examination. A minimum of two examinations shall be given yearly, one in April and one in October. The final filing date for the April examination is February 1. The final filing date for the October examination is August 1.

(c) The Office of Operator Certification shall notify applicants in writing within 30 days of receipt of an application whether the application is complete or deficient and shall identify any deficiency.

(1) Applications that do not contain all of the information required in subdivision (a) shall be considered deficient and shall not be processed for the current examination. The applicant shall be required to reapply to take a subsequent examination and pay the examination application fee.

(d) No less than 30 days before an examination, an applicant who has been scheduled to take an examination may request a change of testing location or ask to have the application held until the next examination date. If the applicant fails to attend the next examination, he or she may reapply to take a subsequent examination by submitting an examination application and the examination application fee.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

§ 3701. Examinations.

(a) Written examinations for each wastewater treatment plant operator grade shall contain questions to determine an applicant's knowledge of wastewater treatment plant operation. Mathematical problems related to process control and evaluation shall be included. Each higher grade examination shall require progressively more detailed knowledge of the subject matter.

(b) Content by grade

(1) Grade I examinations shall test the applicant's knowledge of basic safety practices and hazards related to the operation of wastewater treatment plants; wastewater constituents

DRAFT

including simple and routine sampling and analysis procedures; procedures involved in operating and maintaining preliminary and primary treatment facilities including sludge digestion and disinfection; specifics regarding the operation of stabilization ponds; and state regulations regarding the classification of wastewater treatment plants and operator certification.

(2) Grade II examinations shall test the applicant's knowledge of those components of the Grade I examination as prescribed in (1) above; commonly used processes for preliminary, primary, and secondary treatment including disinfection, sludge handling, and digestion; routine sampling and analysis procedures for evaluation of process and overall plant performance; and basic supervision responsibilities.

(3) Grade III examinations shall test the applicant's knowledge of those components of the Grade II examination as prescribed in (2) above; limitations, controls, and performance calculations for primary and secondary treatment and sludge-handling processes; basic principles of tertiary treatment processes; state regulations regarding water recycling; and public health issues.

(4) Grade IV examinations shall test the applicant's knowledge of those components of the Grade III examination as prescribed in (3) above; limitations, controls, and performance calculations for tertiary treatment processes; wastewater treatment requirements and practices for water reclamation and reuse; supervision and management responsibilities including energy management, safety program development and control, operator training, and budget development and control.

(5) Grade V examinations shall test the applicant's knowledge of those components of the Grade IV examination as prescribed in (4) above as applied in more difficult and complex situations.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

§ 3701.1. Examination Security.

DRAFT

(a) Each applicant must present a photographic identification card issued by a state or federal governmental entity to gain admission to the examination.

(b) An applicant who engages in dishonest conduct during an examination shall have his or her examination materials confiscated, shall not have the examination graded, shall be denied the opportunity to take the next scheduled examination, and may be subject to administrative sanctions pursuant to Sections 3709 and 3710 and criminal and civil liability pursuant to subdivision (c) of Section 13627.1 of the Water Code. The examination fee paid by the applicant shall not be refunded.

(c) Examination questions are confidential. Any person who copies questions or removes any examination material from the examination room or who conveys or reveals all or part of any examination for an unauthorized use may be denied certification pursuant to the provisions of Section 3710. The applicant also may be subject to administrative sanctions pursuant to the provisions of Section 3709 and 3710 and criminal and civil liability pursuant to subdivision (c) of Section 13627.1 of the Water Code.

Authority: Sections 1058 and 13627.1, Water Code.

Reference: Section 13627.1, Water Code.

§ 3701.2. Examination Results.

(a) Within 90 days after an examination, the Office of Operator Certification shall notify applicants in writing of their examination results.

(b) Applicants who fail the examination may be eligible to take a subsequent examination upon request and upon submitting the examination fee as prescribed in Article 9. Requests for re-examination shall be received by the final filing date set forth in Section 3700.

(c) Examination results are valid for four years from June 30 or December 31 following the examination (whichever date is sooner).

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

DRAFT

Article 7. Certification of Wastewater Treatment Plant Operators

§ 3702. Application for Certification.

(a) An application for certification shall include:

(1) the applicant's full name, mailing address, and work and home telephone numbers, social security number, and date of birth;

(2) verification that the applicant passed the examination or an application for an examination waiver pursuant to Section 3689;

(3) a copy of college transcripts, graduate school transcripts, grade cards, or certificates of completion to verify completion of education requirements, if not previously provided to the Office of Operator Certification;

(4) information regarding any engineering registrations issued to the applicant by California or another state or territory, if not previously provided to the Office of Operator Certification;

(5) the address and phone number of each wastewater treatment plant that the applicant has ever worked at, including current employment, the amount of qualifying experience gained at each of these wastewater treatment plants, and current operator grade;

(i) If the applicant is currently employed as a wastewater treatment plant operator, the applicant must submit the chief plant operator's original signature verifying the applicant's qualifying experience gained at that wastewater treatment plant.

(ii) If the applicant is the chief plant operator, then the applicant must submit the owner's original signature verifying the applicant's qualifying experience gained at the wastewater treatment plant.

(6) each operator certificate, operator-in-training certificate, or contract operator registration ever issued to the applicant by a certifying body, the dates that those certificates or registrations were held, whether the applicant has ever been subject to discipline by a certifying body, and information regarding experience gained including the

DRAFT

address and phone number of each facility where the applicant held a position with duties comparable to an operator's position at a wastewater treatment plant;

(7) information regarding any certificates ever issued to the applicant for the operation of a water treatment plant regulated by the California Department of Health Services, another state, territory, or Indian tribe, including experience gained;

(8) information regarding any experience for which the applicant is requesting qualifying experience credit pursuant to Section 3684(b)(2).

(9) the applicant's original signature;

(10) additional information, evidence, statements, or documents to support the application as requested by the Office of Operator Certification; and

(11) the certification fee prescribed in Article 9.

(b) The Office of Operator Certification shall notify the applicant in writing within 30 days of receipt of an application whether it is complete or deficient and shall identify the deficiency.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

§ 3702.1. Issuance of Certificates.

(a) Operator certificates issued by the Office of Operator Certification shall contain:

(1) the operator's name and operator grade;

(2) the certificate number;

(3) the issue and expiration dates of the certificate;

(4) the Board seal;

DRAFT

(5) the name, "State Water Resources Control Board;" and

(6) the signature of a Board member or designee.

(b) Upon successful completion of the application and examination process and within 30 days of payment of the certification fee prescribed in Article 9, the Board shall issue an operator certificate or operator-in-training certificate. If an operator works at more than one wastewater treatment plant, the Office of Operator Certification also shall issue duplicate operator certificates to the operator for posting at each plant.

(c) The Office of Operator Certification may refuse to issue a certificate if it determines that the applicant has committed any act which is grounds for disciplinary action as specified in Section 3710.

(d) Operator certificates shall be valid for up to 24 months. Certificates issued for applications received between April 1 and September 30 shall have an expiration date of December 31. Certificates issued for applications received between October 1 and March 31 shall have an expiration date of June 30.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

§ 3702.2. Application for Certificate Renewal.

(a) Except as specified in Section 3682.3, operator certificates may be renewed for two years.

(b) At least 60 days before expiration of an operator certificate, the Office of Operator Certification shall provide written notification of the expiration date to the certificate holder at his or her address of record. Failure to receive a notice of renewal does not relieve the certificate holder from the responsibility of renewing a certificate on or before the expiration date.

(c) An application for renewal shall include:

DRAFT

(1) the applicant's name, mailing address, operator grade, certificate number, and classification or title;

(2) if employed by a wastewater treatment plant as an operator, the name, telephone number, and mailing address of the wastewater treatment plant where employed, and the name of the plant's chief plant operator;

(3) except to the extent previously provided to the Office of Operator Certification, all operator and operator-in-training certificates and contract operator registrations ever issued to the applicant by a certifying body, the dates that those certificates or registrations were held, and whether the applicant has ever been subject to discipline by a certifying body; and

(4) the renewal fee prescribed in Article 9.

(d) A certificate holder who wishes to renew a certificate shall submit to the Office of Operator Certification a completed application as specified in subdivision (c) of this section. For certificates expiring on June 30, the application shall be received no later than June 1. For certificates expiring on December 31, the application shall be received no later than December 1.

(e) Within 30 days of receipt of an application for renewal, the Office of Operator Certification shall notify the certificate holder in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the certificate holder in writing of the specific information necessary to complete the application for renewal. If an application for renewal is received by the Office of Operation Certification within the time limits prescribed in subdivision (d), but the application is deficient, then a new certificate shall be issued without first requiring the certificate holder to pay the reinstatement fee pursuant to Section 3702.4, so long as the deficiency is corrected within 30 days of when the Office of Operator Certification provides the certificate holder with written notification of the deficiency.

DRAFT

Authority: Sections 1058 and 13628, Water Code.
Reference: Section 13628, Water Code.

§ 3702.3. Issuance of Renewal Certificate.

An operator certificate shall include the first expiration date of the certificate. Thereafter, a renewal certificate shall be issued in accordance with the provisions of Section 3702.2 and this section.

(a) Within 30 days of receipt of a completed application for renewal, the Office of Operator Certification shall issue a renewal certificate or inform the applicant of the reason the certificate shall not be issued.

(b) The renewal certificate shall not be issued until unpaid fees have been paid.

(c) The Office of Operator Certification may refuse to renew a certificate if it has determined that the applicant has:

(1) operated a wastewater treatment plant with an expired operator certificate;

(2) operated a wastewater treatment plant at a grade for which the applicant was not certified; or

(3) committed any other act that is grounds for administrative sanctions pursuant to Sections 3709 or 3710.

(d) A renewal certificate shall include:

(1) the certificate holder's name and address;

(2) the certificate number and operator grade;

(3) the original issue and the expiration dates of the certificate;

DRAFT

- (4) the Board seal;
- (5) the name, "State Water Resources Control Board;" and
- (6) the signature of a Board member or designee.

Authority: Sections 1058 and 13628, Water Code.
Reference: Section 13628, Water Code.

§ 3702.4. Reinstatement.

- (a) An expired operator certificate may be reinstated within one year following the expiration of the certificate, provided the holder of the expired certificate applies for renewal and reinstatement as prescribed in subdivision (b) of this section. A certificate that has been expired for more than one year shall not be reinstated. Applicants who wish to become certified again must meet all requirements for an initial operator certificate.
- (b) The application for reinstatement shall be considered complete when it includes the renewal and reinstatement fees prescribed in Article 9 and all the information required to renew the certificate as prescribed in Section 3702.2.
- (c) The Office of Operator Certification may refuse to reinstate a certificate if it has determined that the applicant has:
 - (1) operated a wastewater treatment plant with an expired operator certificate;
 - (2) operated a wastewater treatment plant at a grade for which the applicant was not certified; or
 - (3) committed any other act that is grounds for administrative sanctions pursuant to Sections 3709 or 3710.
- (d) The expiration date of a reinstated certificate shall remain the same as if the certificate had not expired.

DRAFT

Authority: Sections 1058 and 13628, Water Code.
Reference: Section 13628, Water Code.

§ 3702.5. Replacement.

A lost, stolen, or destroyed certificate may be replaced by the Office of Operator Certification provided the operator or operator-in-training submits a signed statement explaining the circumstances of the loss, theft, or destruction of the certificate. A replacement fee prescribed in Article 9 shall be submitted with the signed statement.

Authority: Sections 1058 and 13628, Water Code.
Reference: Section 13628, Water Code.

§ 3703. Posting Certificates.

Certified operators and operators-in-training shall display their valid certificates in an area accessible to the public at each wastewater treatment plant where employed. If no area is accessible to the public, the certificates shall be posted in an accessible area at the owner's headquarters.

Authority: Section 1058, Water Code.
Reference: Sections 13627 and 13628, Water Code.

Article 8. Prohibited Acts, Disciplinary Action, and Appeal Process

§ 3709. Imposition of Administrative Civil Liability.

(a) The civil liability described in subdivision (b) or (c) may be administratively imposed in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 of Division 7 of the Water Code, except that the executive director shall issue the complaint with review by the Board.

(b) The Board may impose administrative civil liability in an amount not to exceed one hundred dollars for each day of violation on:

(1) Any person who operates a wastewater treatment plant without holding a valid,

DRAFT

unexpired certificate of the appropriate grade as required by this chapter; or

(2) Any person or entity that owns or operates a wastewater treatment plant that employs, or allows the employment of, any person as a wastewater treatment plant operator who does not hold a valid and unexpired certificate of the appropriate grade as required by this chapter.

(c) The Board may impose administrative civil liability in an amount not to exceed five thousand dollars for each violation on any person who commits any of the following acts:

(1) employing fraud or deception in the course of operating the wastewater treatment plant;

(2) failing to use reasonable care or judgment in the operation of the wastewater treatment plant;

(3) willfully or negligently violating, or causing, or allowing the violation of waste discharge requirements or permits issued pursuant to the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.);

(4) submitting false or misleading information to the Board on an application for a certificate; or

(5) engaging in dishonest conduct during an examination.

Authority: Sections 13627.1, 13627.2, and 13627.4, Water Code.

Reference: Sections 13323, 13627.1, 13627.2, and 13627.4, Water Code.

§ 3710. Grounds for Discipline.

(a) The Board may refuse to grant, suspend, or revoke an operator or operator-in-training certificate, or may reprimand or place on probation an operator or operator-in-training upon any reasonable ground, including, but not limited to, performing, or allowing or causing another to perform, any of the following acts:

(1) willfully or negligently violating, causing, or allowing the violation of the regulations in this chapter;

DRAFT

(2) without regard to intent or negligence, operating or allowing the operation of a wastewater treatment plant by a person who is not certified at the grade necessary for the position or whose certificate has expired;

(3) submitting false or misleading information on any document provided to Board staff including applications for examination, certification, or renewal, or providing false or misleading information to Board staff during an investigation of potential violations of this chapter;

(4) engaging in dishonest conduct during an examination, or violating confidentiality of examination questions;

(5) using fraud or deception in the course of employment as an operator or operator-in-training;

(6) failing to use care or good judgment in the course of employment as an operator or failing to apply knowledge or ability in the performance of duties; or

(7) willfully or negligently violating, or causing, or allowing the violation of waste discharge requirements or permits issued pursuant to the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

(b) A chief plant operator may be subject to the disciplinary actions specified in subdivision (a) for willfully or negligently failing to ensure that an operator-in-training is supervised directly as required by Section 3682.

(c) An operator or operator-in-training that is disciplined by a certifying body must notify the Office of Operator Certification of the disciplinary action within 30 days of when the certifying body takes final action.

(d) The Board may refuse to grant, suspend, or revoke an operator or operator-in-training certificate, or may reprimand or place on probation an operator or operator-in-training if the

DRAFT

operator or operator-in-training is disciplined by a certifying body for any act that is comparable to a violation set forth in subdivisions (a) or (b), in Section 3719.10(a), or for failure to report the disciplinary action to the Office of Operator Certification in accordance with subdivision (c).

Authority: Sections 1058 and 13627, Water Code.

Reference: Sections 185, 13260 and 13627, Water Code; and Title IV, 33 USC, Section 1342 (Clean Water Act).

§ 3711. Appeals.

Applicants, ~~or~~ certificate holders, or owners may appeal to the Deputy Director of the Division for review of a discretionary decision made by the Office of Operator Certification or the Office of Enforcement regarding denial of an application, denial of an exemption, the results of an examination, or disciplinary action taken. Appeals must be in writing and received by the Deputy Director of the Division within 30 days of the date of the decision being appealed. An appeal to the Deputy Director of the Division must be accompanied by all material that the claimant wishes to be considered by the Deputy Director of the Division, and by the Board in any subsequent review by the Board.

Authority: Section 1058, Water Code.

Reference: Section 13627, Water Code.

§ 3712. Action by Division.

(a) The Office of Operator Certification or the Office of Enforcement may file a response to the appeal with the Deputy Director of the Division within 30 days of the Deputy Director of the Division's receipt of the appeal. The Office of Operator Certification or the Office of Enforcement must provide a copy of any response to the appellant. The Deputy Director of the Division may extend the time for filing a response by the Office of Operator Certification or the Office of Enforcement.

(b) The Deputy Director of the Division shall review the evidence together with any response provided by the Office of Operator Certification or the Office of Enforcement and shall make a determination within 60 days of receipt of the appeal. The Final Division Decision ~~and~~ shall inform the appellant that the determination is final and conclusive unless the appellant petitions the Board for review in accordance with the provisions of Section 3713.

DRAFT

(c) The Deputy Director of the Division may at any time, on the Deputy Director's own motion, issue a Final Division Decision.

Authority: Section 1058, Water Code.

Reference: Section 13627, Water Code.

§ 3713. Petition for Review by Board.

(a) An owner, operator, or operator-in-training may petition the Board for review of the Final Division Decision. The petition must be in writing and received no later than 30 days after the date of the Final Division Decision.

(b) A petition for review by the Board shall contain:

(1) the name, address, and telephone number of the petitioner;

(2) a copy of the Final Division Decision that the petitioner is requesting the Board to review;

(3) a full and complete statement of the reasons why the petitioner believes the Final Division Decision is erroneous, inappropriate, or improper; and

(4) the specific action the petitioner seeks from the Board.

(c) The petitioner may make a written request for a hearing for the purpose of presenting evidence not considered by the Division or for presenting oral arguments or both. The request to present evidence that was not presented to the Division must include a description of the factual material that the petitioner wishes to submit, the facts that the petitioner expects to establish, and an explanation of the reasons why the petitioner could not previously submit the new material to the Division. The petitioner must include with the petition a copy of any new documentary material that the petitioner wishes to present to the Board and the reasons why petitioner could not previously submit the documentary material to the Division.

(d) Service of a petition may be made by U.S. mail, by hand delivery, by facsimile with hard

DRAFT

copy to follow, or via e-mail by prior arrangement. [In the case of service by facsimile, only the petition itself shall be sent. All exhibits shall be included with the hard copy.] The petition must be received by the Board no later than 5:00 p.m. 30 days following the date of the Final Division Decision, except that if the thirtieth day following the date of the Final Division Decision falls on a Saturday, Sunday, or state holiday, the petition must be received by the Board no later than 5:00 p.m. on the first business day following.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3714. Defective Petitions.

Upon the Board's receipt of a petition that does not comply with Section 3713 of this chapter, the Board, through its chief counsel, shall advise the petitioner of the manner in which the petition is defective and allow a reasonable time within which an amended petition may be filed. If the Board does not receive a properly amended petition within the time allowed, the petition shall be dismissed unless the petitioner can show good cause for an extension of time.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3715. Action by Board on a Petition.

(a) The Board may:

- (1) at any time, refuse to consider the petition if it does not meet the requirements of Sections 3713 and 3714 or fails to raise substantial issues which are appropriate for review;
- (2) deny the petition upon a finding that the Final Division Decision was appropriate and proper;
- (3) set aside or modify the Final Division Decision; or
- (4) take such other action as the Board deems appropriate.

DRAFT

(b) Before taking final action, the Board may, in its discretion, hold a hearing for the purpose of oral argument or receipt of additional evidence or both.

(c) If a hearing is held, it shall be conducted in accordance with California Code of Regulations, Title 23, Division 3, Chapter 1.5, Article 2.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

Article 9. Fees

§ 3717. Operator and Operator-in-Training Fees.

(a) Except for the examination fee, all fees are nonrefundable.

(b) Examination application fees:

Grade I:	\$40
Grade II:	\$50
Grade III:	\$70
Grade IV:	\$80
Grade V:	\$80

(c) Examination fees are:

Grade I:	\$40
Grade II:	\$50
Grade III:	\$125
Grade IV:	\$170
Grade V:	\$170

(d) Operator and operator-in-training certification fees are:

Grade I:	\$95
Grade II:	\$130
Grade III:	\$170
Grade IV:	\$190
Grade V:	\$190

(e) Operator and operator-in-training certification renewal fees are:

Grade I:	\$95
Grade II:	\$130
Grade III:	\$170

DRAFT

Grade IV: \$190
Grade V: \$190

(f) The reinstatement fee for all grades is \$50.

(g) The replacement fee for replacing a lost, stolen, or destroyed certificate is \$20.

(h) In addition to the certification fee, applicants for an examination waiver shall pay an examination waiver fee of \$50 to cover the cost of determining whether the applicant meets the requirements for an examination waiver and verifying and evaluating the applicant's experience in accordance with Section 3684(d).

Authority: Sections 1058 and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

Article 10. Advisory Committee

§ 3718. Advisory Committee Membership and Responsibilities.

(a) The Board shall appoint an advisory committee to assist it in carrying out its responsibilities under this chapter, which shall consist of nine members:

(1) two persons from a statewide organization representing operators and supervisors, who shall be employed at a wastewater treatment plant as an operator or supervisor;

(2) two persons from statewide organizations representing municipalities, including counties or private utility wastewater treatment plants;

(3) two persons from statewide organizations representing local sanitation agencies, other than agencies specified in (2) above;

(4) one person who is a professional engineer specializing in sanitary engineering;

(5) one person from a university or a state university school or division of engineering;
and

DRAFT

(6) one person who is a member of an organized labor union which represents wastewater treatment plant operators.

(b) Members of the advisory committee shall serve for a period of four years at which time they shall be eligible for reappointment.

(c) The committee shall meet when necessary to review and make recommendations to the Board regarding all proposed regulations and approval of courses for operator training.

Authority: Sections 1058 and 13631, Water Code.

Reference: Sections 13631, 13632, and 13633, Water Code.

Article 11. Wastewater Treatment Plant Contract Operators

§ 3719. Registration Requirement.

No person or entity shall enter into a contract to operate a wastewater treatment plant or operate a wastewater treatment plant pursuant to a contract to operate a wastewater treatment plant without a certificate of registration issued pursuant to this article. The certificate of registration authorizes the contract operator to enter into a contract to operate one or more wastewater treatment plants. All wastewater treatment plant operators employed by the contract operator must be certified according to the provisions of this chapter.

Authority: Section 1058, Water Code.

Reference: Section 13627.3, Water Code.

§ 3719.1. Term of Registration.

A certificate of registration shall be valid for a period of one year from the date of issue.

Authority: Section 1058, Water Code.

Reference: Section 13627.3, Water Code.

§ 3719.2. Application for Registration.

(a) An application for registration as a contract operator shall include:

DRAFT

- (1) the applicant's name, address, and telephone number;
- (2) the name, street address, and telephone number of each owner contracting with the contract operator to operate the wastewater treatment plant(s);
- (3) the name, address, and telephone number of each of the wastewater treatment plant(s) to be operated, the name of the Regional Board that oversees each wastewater treatment plant, and the duration of each contract;
- (4) the name and grade of each wastewater treatment plant operator employed at the plant(s);
- (5) the name and grade of the chief plant operator for each wastewater treatment plant to be operated with verification by the chief plant operator that he or she has accepted this responsibility;
- (6) the original signature of the person authorized by the contract operator to sign the contract(s);
- (7) all operator and operator-in-training certificates and contract operator registrations ever issued to the applicant by a certifying body, the dates that those certificates or registrations were held, and whether the applicant has ever been subject to discipline by any certifying body; and
- (8) the registration fee as prescribed in Section 3719.13.

(c) The Office of Operator Certification shall review applications for registration and shall notify applicants in writing within 30 days of receipt whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific information required to complete the application.

DRAFT

§ 3719.3. Issuance/Content of Certificate of Registration and Registered Contract Operator. Certificates.

(a) The certificate of registration issued by the Office of Operator Certification shall contain:

(1) the applicant's name, business address, and registration number;

(2) the issue and expiration dates of the registration;

(3) the Board seal;

(4) the name, "State Water Resources Control Board;" and

(5) the signature of a Board member or designee.

(b) Unless otherwise specified in subdivision (c), within 30 days of receipt of a complete application for registration, the Office of Operator Certification shall issue a certificate of registration to the contract operator. The Office of Operator Certification also shall issue one registered contract operator certificate to the contract operator for each wastewater treatment plant operated. The registered contract operator certificate shall include the name of the wastewater treatment plant to be operated in addition to the information required in subdivision (a) above for certificates of registration. Certificates of registration and registered contract operator certificates are nontransferable. If the contractor employs an operator who works at more than one wastewater treatment plant, the Office of Operator Certification also shall issue additional copies of the operator's certificate to the operator for posting at each plant.

(c) The Office of Operator Certification may refuse to issue a certificate of registration if it has determined that the applicant has committed an act that is grounds for administrative sanctions in Sections 3709 and 3710 of Article 8 or Sections 3719.9 and 3719.10 of this article.

DRAFT

Authority: Section 1058, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.4. Renewal of Registration.

(a) At least 60 days before the expiration of a certificate of registration, the Office of Operator Certification shall provide written notification of the expiration date to the registration holder at his or her address of record. Failure to receive a notice of renewal does not relieve the registration holder of the responsibility of renewing a certificate of registration on or before the expiration date.

(b) An application for renewal of a certificate of registration shall include:

(1) the name, business address, telephone number, and registration number of the person or entity contracting to operate the wastewater treatment plant(s);

(2) the name, address, and telephone number of all wastewater treatment plants operated, the name of the Regional Board that oversees each wastewater treatment plant, and the duration of each contract;

(3) the name and grade of each wastewater treatment plant operator employed at the plant(s);

(4) the name and grade of the chief plant operator for each wastewater treatment plant to be operated with verification by the chief plant operator that he or she has accepted this responsibility;

(5) the original signature of the person authorized by the contract operator to enter the contract;

(6) except to the extent previously provided to the Office of Operator Certification, all operator and operator-in-training certificates and contract operator registrations ever issued to the applicant by a certifying body, the dates that those certificates or

DRAFT

registrations were held, and whether the applicant has ever been subject to discipline by a certifying body; and

(7) the renewal fee as prescribed in Section 3719.13.

(c) A registration holder who wishes to renew a certificate of registration shall submit to the Office of Operator Certification a completed application as specified in subdivision (b). The application for renewal shall be received no later than 30 days before the expiration of the certificate of registration. If the application for renewal is received less than 30 days before expiration, the registration holder shall pay a late fee in an amount prescribed in Section 3719.13.

(d) The Office of Operator Certification shall review the renewal application and shall notify the registration holder within 30 days whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the registration holder in writing of the specific information necessary to complete the application for renewal.

Authority: Section 1058, Water Code.

Reference: Section 13627.3, Water Code.

§ 3719.5. Issuance/Content of Renewed Certification of Registration and Registered Contract Operator Certificates.

(a) A renewed certificate of registration shall contain:

(1) the registration holder's name, business address, and registration number;

(2) the original issue date and next expiration date of the registration;

(3) the Board seal;

(4) the name "State Water Resources Control Board;" and

(5) the signature of a Board member or designee.

DRAFT

(b) Within 30 days of the receipt of a complete and approved renewal application, the Office of Operator Certification shall issue a certificate of registration or inform the applicant of the reason the certificate of registration shall not be issued. The Office of Operator Certification also shall issue one registered contract operator certificate to the contract operator for each wastewater treatment plant operated. The registered contract operator certificate shall include the name of the wastewater treatment plant operated in addition to the items in subdivision (a) for a renewed certificate of registration. Certificates of registration and registered contract operator certificates are nontransferable. If the contractor employs an operator who works at more than one wastewater treatment plant, the Office of Operator Certification also shall issue additional copies of the operator's certificate to the operator for posting at each plant.

(c) The certificate of registration shall not be renewed until unpaid fees or fines have been paid. The Office of Operator Certification may refuse to renew a certificate of registration if it has determined that the applicant has operated a wastewater treatment plant with an expired certificate of registration or has committed any other act that is grounds for administrative sanctions in Sections 3709 or 3710 of Article 8 or Sections 3719.9 or 3719.10 of this article.

Authority: Section 1058, Water Code.

Reference: Section 13627.3, Water Code.

§ 3719.6. Application for Additional Registered Contract Operator Certificates.

(a) A holder of a valid, unexpired certificate of registration must submit an application to the Office of Operator Certification within 30 days of entering into a contract to operate a wastewater treatment plant not previously listed provided under Sections 3719.2(a) or 3719.4(b), requesting an additional registered contract operator certificate. The application must include the following:

- (1) the name, business address, telephone number, and registration number of the person or entity contracting to operate the wastewater treatment plant(s);

DRAFT

(2) the name, address, and telephone number of the wastewater treatment plant, the Regional Board overseeing each wastewater treatment plant, and the duration of the contract;

(3) the name and grade of each wastewater treatment plant operator employed at the plant;

(4) the name and grade of the chief plant operator for the wastewater treatment plant with verification by the chief plant operator that he or she has accepted the responsibility;

(5) the original signature of the person authorized by the contract operator to enter the contract; and

(6) the fee for issuing a new contract operator registration pursuant to this provision as prescribed in Section 3719.13.

(b) Within 30 days of receiving the information provided in subdivision (a), the Office of Operator Certification shall issue a registered contract operator certificate in accordance with Section 3719.3.

Authority: Section 1058, Water Code.

Reference: Section 13627.3, Water Code.

§ 3719.7. Replacement of Certificate of Registration or Registered Contract Operator Certificate.

A lost, stolen, or destroyed certificate of registration or registered contract operator certificate may be replaced by the Office of Operator Certification provided the registration holder submits a signed statement explaining the circumstances of the loss, theft, or destruction of the certificate. A replacement fee prescribed in Section 3719.13 shall be submitted with the signed statement.

Authority: Section 1058, Water Code.

Reference: Section 13627.3, Water Code.

DRAFT

§ 3719.8. Posting the Registered Contract Operator Certificate.

A valid, unexpired registered contract operator certificate shall be displayed in an area accessible to the public at each wastewater treatment plant where the registration holder has a contract to provide services. If no area is accessible to the public, the registered contract operator certificate shall be posted in an accessible area at the owner's headquarters.

Authority: Section 1058, Water Code.

Reference: Section 13627.3, Water Code.

§ 3719.9. Imposition of Administrative Civil Liability.

(a) The civil liability described in subdivision (b) or (c) may be administratively imposed in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 of Division 7 of the Water Code, except that the executive director shall issue the complaint with review by the Board.

(b) The Board may impose administrative civil liability in an amount not to exceed five thousand dollars for each violation if any person commits any of the following acts:

(1) willfully or negligently causing or allowing a violation of appropriate waste discharge requirements or permits issued pursuant to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.);

(2) failing to use reasonable care in the management or operation of the wastewater treatment plant; or

(3) submitting false or misleading information to the Board on an application for a registration.

(c) The Board may impose administrative civil liability in an amount not to exceed one thousand dollars for each day of the violation if a person or entity fails to comply with Section 3719.

Authority: Section 13627.3, Water Code.

Reference: Sections 13323 and 13627.3, Water Code.

DRAFT

§ 3719.10. Prohibited Acts and Disciplinary Action.

(a) The Board may refuse to grant, or may suspend or revoke, a registration for good cause, including, but not limited to any of the following reasons:

(1) willfully or negligently violating, causing, or allowing the violation of the regulations in this chapter;

(2) without regard to intent or negligence, operating or allowing the operation of a wastewater treatment plant by a person who is not certified at the grade necessary for the position or whose certificate has expired;

(3) operating a wastewater treatment plant without a valid and current registration;

(4) submitting false or misleading information on any document provided to Board staff including applications for registration or registration renewal, or providing false or misleading information to Board staff during an investigation of potential violations of these regulations;

(5) using fraud or deception in the course of contracting to operate a wastewater treatment plant including, but not limited to, submitting false or misleading documents to the owner(s) of the wastewater treatment plant under contract;

(6) failing to use care or good judgment while operating a wastewater treatment plant; or

(7) willfully or negligently causing or allowing a violation of appropriate waste discharge requirements or permits issued pursuant to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.).

(b) A registered contract operator that is disciplined by any certifying body must notify the Office of Operator Certification of the disciplinary action within 30 days of when the certifying body takes final action.

DRAFT

(c) The Board may refuse to grant, or may suspend or revoke, a registration if the registered contract operator is disciplined by any certifying body for any act that is comparable to a violation set forth in subdivision (a) or for failure to report the disciplinary action to the Office of Operator certification in accordance with subdivision (b).

Authority: Section 1058, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.11. Appeals.

(a) Applicants or registration holders may appeal discretionary decisions made by the Office of Operator Certification or the Office of Enforcement regarding denial of an application for registration, registration renewal, or disciplinary action taken.

(b) Appeals shall be processed in accordance with the provisions of Sections 3711 and 3712 of Article 8.

Authority: Section 1058, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.12. Petitions.

(a) Applicants or registration holders may petition the Board for review of a Final Division Decision.

(b) Petitions shall be processed in accordance with the provisions of Sections 3713 through 3715 of Article 8.

Authority: Section 1058, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.13. Wastewater Treatment Plant Contract Operator Registration Fees.

Contract operator fees are as follows:

(a) The initial contract operator registration fee is \$100. For each operator employed by the contract operator in California, the contract operator shall pay a fee of \$25 up to a maximum

DRAFT

of \$500 in combined contract operator registration fees and employee registration fees.

(b) The annual renewal fee is \$100 plus \$25 for each person employed in California by the contract operator up to a maximum of \$500 in combined contract operator fees and employee registration fees.

(c) A contract operator shall pay a late fee of \$50 in addition to the renewal fee, if the renewal application is not received at least 30 days before expiration of the prior contract operator registration.

(d) The fee for replacing a lost, stolen, or destroyed certificate of registration or contract operator registration or for issuing a new contract operator registration pursuant to Section 3719.6 is \$30.

Authority: Section 1058, Water Code.

Reference: Section 13627.3, Water Code.